

REMARKS

Upon entry of this amendment, claims 1-3 and 5-6 will be pending in this application. Claims 1-3 are amended to include “pharmaceutically acceptable” salts. Claim 3 is now in independent form and has been amended to replace the “.” at the end of each compound with a “;” and to include the word “and” between the last two compounds in the claim. Claims 1 and 2 are also amended as described below.

Claims 5 and 6 are new. Support for claims 5 and 6 can be found on pages 24-25 of the specification.

Applicants response to the Examiner’s rejection is as follows.

Claim Rejections – 35 U.S.C. §112, second paragraph

The Examiner has rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that line 2 of claim 1 is unclear. Applicants have amended claim 1 by removing the language of line 2. In light of this amendment, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, be reconsidered and withdrawn.

Claim Rejections – 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §112, first paragraph because the specification, while enabling for making salts of the claimed compounds, allegedly does not reasonably provide enablement for making solvates or physiologically functional derivatives of the claimed compounds. Solely in order to expedite prosecution and without in any way conceding to the propriety of the rejection, Applicants have amended claims 1 and 2 by removing the phrase “solvate or physiologically functional derivative” from these claims.

The Examiner has rejected claims 1-2 and 4 under 35 U.S.C. §112, first paragraph, because the specification while being enabling for compounds wherein R is alkyl, Y is CH₂ or a covalent bond, and R1 being quinoline, benzofuran, benzodioxepine, furan, benzyl, naphthyridine and benzylidioxazole, allegedly it does not reasonably provide enablement for R being other moieties, R1 being heteroaryls, or Y being O. Thus, according to the Examiner the specification does not enable any person skilled in the art to which it pertains, or with which it is

most nearly connected, to make or use the invention commensurate in scope with these claims. Applicants respectfully traverse this rejection.

Applicants submit that the specification does enable one of ordinary skill in the art to make and use the compounds of the instant invention. In terms of making the compounds, Applicants have provided four schemes that give general methods that one of ordinary skill can use as guide for making the instantly claimed compounds. Applicants have also provided on pages 13-24 of the specification a specific synthetic sequence that can be used to make the instantly claimed compounds.

With regard to making compounds wherein R is a moiety other than alkyl, Applicants submit that one of ordinary skill could produce compounds with other R moieties by using alternative acid chlorides (intermediate 9 in Schemes 2 and 3). Alternative acid chlorides are commercially available or known in the literature, such as commercially available 3-phenylpropyl chloride for compounds wherein R is phenyl and 3-cyclopentylpropanoyl chloride for compounds wherein R is cyclopentyl. With regard to making compounds wherein Y is O, Applicants submit that one of ordinary skill could produce compounds wherein Y is O by using alternative acid chlorides such as 2-propoxyacetyl chloride, which is known in the literature. Regarding compounds wherein R1 is a heteroaryl group other than the six listed by the Examiner, Applicants submit that one of ordinary skill could produce compounds wherein R1 is heteroaryl by using alternative carboxylic acids (Scheme 4, intermediate 26). Several hundred heteroaryl carboxylic acids are commercial available, such as picolinic acid, 2-pyrazinecarboxylic acid, and 2-benzoxazolecarboxylic acid.

In terms of use, Applicants submit that the compounds are peptide deformylase inhibitors that could be used to inhibit the growth of bacteria. To support this use, Applicants have provided two assays, the first being the "Biological Assay" that can be used to determine the level of PDF inhibition each of the instantly claimed compounds has. The second assay is the "Antimicrobial Activity Assay" that can be used to determine the minimum inhibitory concentration the instantly claimed compounds have against certain bacterial strains.

Applicants submit that the specification does enable one of ordinary skill in the art to make and use the compounds of the instant invention. The schemes that show general methods of making the compounds, the specific experimental procedure on pages 13-24, and the availability of acid chlorides and heteroaryl carboxylic acids either through commercial sources or in the literature give one of ordinary skill sufficient guidance to make the compounds of instant claims 1 and 2. The two assays provided in the specification give one of ordinary skill

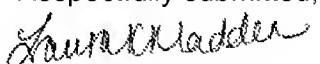
in the art guidance on how to use the compounds of the instant claims as PDF inhibitors or to inhibit the growth of bacteria.

The Examiner has rejected claim 4 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. According to the Examiner, the claim contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected to make and or use the invention. Solely in order to expedite prosecution and without in any way conceding to the propriety of the rejection, Applicants have canceled claim 4, thus rendering the rejection moot.

In light of the above amendments and remarks, Applicants respectfully request that the rejection of claims 1-2 and 4 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

Conclusion

This reply is intended to further this case to allowance by addressing each ground of rejection in the Examiner's Office Action. Reconsideration of this application is respectfully requested. Authorization is hereby granted to charge any fees which may be required by this paper to Deposit Account No. 19-2570. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned agent at the number given below.

Respectfully submitted,

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